

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on March 20, 2007 at 7:00 p.m. after a 6:30 p.m. caucus session.

Mayor White presiding.

Mayor White led the Pledge of Allegiance.

The following members of the Council answered roll call in person: YEA Commissioner David Cline, YEA Commissioner Randy Ervin, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor Charles E. White.

Also in attendance in person were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Community Development Coordinator Kyle Gill, Fire Chief Michael Chism, Assistant Fire Chief Andy Adair, Deputy Police Chief David Griffith, and City Clerk Susan O'Brien.

The City of Mattoon, Illinois held a public hearing in the City Hall Council Chambers on March 20, 2007 at 7:01 p.m. to review the Planning Commission recommendations amending the Comprehensive Plan for properties including and adjacent to the South Route 45 TIF. Mayor White directed Administrator Gilmore to conduct the hearing. Administrator Gilmore stated the original Comprehensive Plan of 1968 did not address the south portion of the City; informed the attendees compliance with the TIF Act required the City to have a land use plan; and reported approval of the plan by the Planning Commission on March 12, 2007. Administrator Gilmore requested any questions from the Council or public. Mr. Herb Meeker of the Mattoon Journal Gazette inquired as to the commercial properties and additional outlying areas. Administrator Gilmore reviewed the plan use of the Comprehensive Plan, and responded with amendments to the Comprehensive Plan for any area additions. Administrator Gilmore called for questions. There were no additional questions. Mayor White closed the public hearing at 7:06 p.m.

CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine in nature and will be enacted by one motion. Prior to asking for a motion to approve the Consent Agenda, the mayor will ask if anyone desires to remove an item from the Consent Agenda for public discussion. No separate discussion of these items will occur unless a Council Member requests the item to be removed from the Consent Agenda. If an item is removed from the Consent Agenda, it will be considered elsewhere on the agenda for this meeting.

Mayor White seconded by Commissioner Schilling moved to approve the consent agenda as follows: minutes of the special meeting March 1 and regular meeting March 6, 2007, Fire Department report for the month of January and Revenue Reports for the month of February, payroll and bills for the first half of March 2007.

Bills and Payroll for the first half of March 2007

General Fund

Payroll	\$	247,678.85
Bills	\$	<u>178,784.81</u>
Total	\$	426,463.66

Hotel Tax Fund

Payroll	\$	1,706.54
Bills	\$	<u>20,869.37</u>
Total	\$	22,575.91

Insurance & Tort Judgment

Bills	\$	<u>4,392.00</u>
Total	\$	4,392.00

Midtown TIF Fund

Bills	\$	<u>4.64</u>
	\$	4.64

Capital Project Fund

Bills	\$	<u>162,440.39</u>
Total	\$	162,440.39

Water Fund

Payroll	\$	32,475.04
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Bills		\$	<u>40,718.11</u>
	Total	\$	73,193.15
	<u>Sewer Fund</u>		
Payroll		\$	25,796.85
Bills		\$	<u>255,097.57</u>
	Total	\$	280,894.42
	<u>Cemetery Fund</u>		
Payroll		\$	2,933.03
Bills		\$	<u>1,231.63</u>
	Total	\$	4,164.66
	<u>Health Insurance</u>		
Bills		\$	<u>89,029.79</u>
	Total	\$	89,029.79
	<u>Revolving Loan Fund</u>		
Bills		\$	<u>495.00</u>
	Total	\$	495.00

Mayor White declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

PUBLIC PRESENTATIONS, PETITIONS AND COMMUNICATIONS

This portion of the City Council meeting is reserved for persons who desire to address the Council. The Illinois Open Meeting Act mandates that the City Council may NOT take action on comments received on matters that have not been identified on this agenda, but the Council may direct staff to address the topic or refer the matter for action on the agenda for another meeting. Persons addressing the Council are requested to limit their presentations to three minutes and to avoid repetitious comments.

Ms. Lea Northam, Mattoon resident, approached the Council with a request to ban smoking in City parks or at least around the playground area. Ms. Northam inquired as to the next step. Mayor White stated the Council could not act on the topic this evening. Administrator Gilmore stated the Council would take the topic under advisement, study it, and come back with a recommendation. Commissioner Ervin and Ms. Northam further discussed her realm of the ban. Commissioner Ervin responded with the smoking ban already applies within public facilities, but private businesses would be under the State of Illinois. Mrs. Jackie Record offered Lytle Park was under Township regulations. Mrs. Wanda Ferguson stated a petition was presented to a previous Council to ban smoking in public buildings. Mr. Meeker asked Ms. Northam about the area in the parks, and private buildings. Ms. Northam responded with at least a certain distance from playground equipment, and restaurants, bowling alleys, etc.

Mayor White requested Clerk O’Brien to read the following proclamation:

PROCLAMATION

WHEREAS, Cal Ripken, Jr. has recently been elected to the Baseball Hall of Fame, and

WHEREAS, Cal Ripken, Jr. is considered an admired friend of the City of Mattoon and the Mattoon Cal Ripken/Babe Ruth Baseball League, and

WHEREAS, in 2000 Mattoon, Illinois was the host site for the inaugural Cal Ripken World Series as well as the 2002 World Series, and

WHEREAS, Cal Ripken, Jr. and Bill Ripken were commentators for the championship game of both World Series events in 2000 and 2002 from Lawson Park, which were televised live on FOXSports TV, and

WHEREAS, Cal Ripken, Jr. had spent several days in Mattoon during both World Series events providing a time and an experience that is fondly remembered by many citizens in Mattoon, and

WHEREAS, Cal Ripken, Jr. will be inducted to the Hall of Fame in Cooperstown, New York on July 29, 2007.

THEREFORE, TO SALUTE Cal Ripken, Jr. the City of Mattoon, Illinois hereby declares July 29, 2007 as **CAL RIPKEN, JR. DAY** and calls upon the citizens of Mattoon, Illinois and Coles County to join in recognition of his achievement.

IN RECOGNITION THEREOF, I, Mayor Charles E. White, have hereunto set my hand and caused the seal of the City of Mattoon, Coles County, Illinois to be affixed this 20th day of March, 2007.

/s/ Charles E. White
Charles E. White
Mayor
City of Mattoon, Illinois

NEW BUSINESS

Mayor White seconded by Commissioner Ervin moved to adopt Ordinance 2007-5227, accepting the reorganization of the Command Structure of the City of Mattoon Police Department.

ORDINANCE NO. 2007-5227

**AN ORDINANCE PROVIDING FOR A REORGANIZATION OF THE
COMMAND STRUCTURE OF THE CITY OF MATTOON POLICE DEPARTMENT**

WHEREAS, there now exists within the City of Mattoon Police Department the following positions other than patrolman: Chief of Police, two Deputy Chief positions (one currently not filled), four Captain positions, five Lieutenant positions and eight Sergeant positions; and,

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that it is in the public interest of the taxpayers and citizens of the City of Mattoon and deems that it is in the interest of the City of Mattoon Police Department that the rank structure be reorganized; and,

WHEREAS, the City Council for the City of Mattoon, Coles County, Illinois, deems that the best organization of rank positions, other than patrolman, for the City of Mattoon Police Department is as follows: Chief of Police, two Deputy Chief positions (leaving one currently not filled), five Captain positions, five Lieutenant positions, and six Sergeant positions; and,

WHEREAS, the reorganization of the City of Mattoon Police Department can be accomplished by maintaining the same total number of positions.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

1. That one Captain position be and is hereby created.
2. That two positions of Sergeant be and are hereby abolished except that said positions shall be eliminated through attrition.

BE IT FURTHER ORDAINED that all ordinances in conflict herewith be and are hereby repealed to the extent of such conflict.

Upon motion by Mayor White, seconded by Commissioner Ervin, adopted this 20th day of March, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Commissioner Schilling,
Mayor White

NAYS (Names): None

ABSENT (Names): None

Approved this 20th day of March 2007.

/s Charles E. White
Charles E. White, Mayor

City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien

Susan J. O'Brien, City Clerk

/s/ J. Preston Owen

J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 21, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner Cline moved to approve Council Decision Request 2007-721, approving the promotion of Lt. Eric O. Finley to Captain in the Mattoon Police Department effective April 2, 2007.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-722, approving the promotion of Sgt. Scott A. Moran to Lieutenant in the Mattoon Police Department effective April 2, 2007.

Mayor White declared the motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Schilling moved to approve Council Decision Request 2007-723, approving the regular employment status of Firefighter Brandon Burnett effective 3/1/2007 following a successful one-year probationary period.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner Cline moved to approve Council Decision Request 2007- 724, approving the regular employment status of Firefighter Michael Ueleke effective 3/9/07 following a successful one year probationary period.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Ervin seconded by Commissioner McKenzie moved to approve Council Decision Request 2007-725, authorizing the Fire Chief to submit the application for the State of Illinois Office of the Fire Marshall Small Equipment Grant, and authorizing the Mayor and City Clerk to sign a grant application. The grant would be used to purchase hydraulic extrication/rescue tools and accessories for the Fire Department. This does not require cost sharing by the City.

Mayor White opened the floor for discussion. No discussion.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner Ervin moved to approve Council Decision Request 2007-726, approving the demolition bid from 3 Swearingen Bros., Inc. in the amount of \$18,000 for the building located at 201 N. 15th Street.

Mayor White opened the floor for discussion. Mr. Meeker wanted confirmation on the building. Mayor White stated the old warehouse.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin,

YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2007-1206, authorizing the sale of Lot 80 in Lake Paradise Subdivision to Howard and Patty Livingston, current owners of a home on leased premises at Lot 80, Lake Paradise Subdivision, and authorizing the Mayor to sign all documents necessary to complete the transaction. (Commonly known as 2904 East Lake Paradise Road).

CITY OF MATTOON, ILLINOIS

SPECIAL ORDINANCE NO. 2007-1206

SPECIAL ORDINANCE: AUTHORIZING THE SALE OF LOT 80 IN LAKE PARADISE SUBDIVISION TO HOWARD AND PATTY LIVINGSTON, CURRENT OWNER OF A HOME ON LEASED PREMISES AT LOT 80, LAKE PARADISE SUBDIVISION, AND AUTHORIZING THE MAYOR TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE TRANSACTION. (*COMMONLY KNOWN AS 2904 EAST LAKE PARADISE ROAD*)

WHEREAS, state statute (65 ILCS 5/11-76-4.1) enables the corporate authorities to accept any contract proposal determined by them to be in the best interest of the municipality by a vote of two-thirds of the corporate authorities then holding office, but in no event at a price less than 80% of the appraised value; and

WHEREAS, by Resolution 2006-2642, adopted March 21, 2006, the City Council made a finding that the real estate owned by the municipality that is the subject of this ordinance is no longer necessary or required for the use of the municipality; and

WHEREAS, said resolution authorized the management staff to solicit offers for the sale of this real estate provided that any such sale shall be subject to ratification by a special ordinance of the City Council; and

WHEREAS, Howard Livingston has made an offer to purchase the property for \$17,650.00; and

WHEREAS, Howard Livingston owns the home located on the property; and

WHEREAS, Stanley D. Gordon, CREA of Gordon Appraisal Service, Inc. determined \$17,650.00 was the fair market value of the real estate as of February 28, 2007, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, The City has undertaken to have the property subdivided, appraised and has had the title insurance covering the property updated and the purchasers are willing to pay their share of those costs; and

WHEREAS, the City Attorney has prepared a Real Estate Sales Contract that is attached to the Special Ordinance and incorporated herein by this reference.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

Section 1. The city attorney is authorized to prepare closing documents and the mayor and city clerk are authorized to sign documents conveying a warranty deed to the real estate described in Section 3 of this ordinance to Howard Livingston, subject to a payment of \$17,650.00. The purchase price will be due at closing.

Section 3. The real estate to be conveyed pursuant to this ordinance is legally described as:

Lot 80 in Lake Paradise Subdivision, Unincorporated Coles County, Illinois.

Section 4. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 5. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie, adopted this 20th day of March, 2007, by a roll call vote, as follows:

AYES (Names): Commissioner Cline, Commissioner Ervin,
Commissioner McKenzie, Mayor White
ABSTAIN (Names) Commissioner Schilling
NAYS (Names): None
ABSENT (Names): None

Approved this 20th day of March, 2007.

/s/ Charles E. White
Charles E.
City of Mattoon,

White, Mayor
Coles County, Illinois

ATTEST: APPROVED AS TO FORM

/s/ Susan J. O'Brien
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on March 21, 2007.

Mayor White opened the floor for discussion. Mr. Meeker requested the number of lots sold thus far. Attorney/Treasurer Owen responded with about half.

Mayor White declared the motion carried by the following vote. YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, Abstain Commissioner Schilling, YEA Mayor White.

Mayor White requested any questions. There were no additional questions.

Mayor White seconded by Commissioner Cline moved to recess to closed session at 7:26 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering litigation affecting or on behalf of the City of Mattoon (5 ILCS 120/2(c)(11)).

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

Mayor White stated there would be no action taken after closed session.

Council reconvened at 7:53 p.m.

Mayor White seconded by Commissioner Schilling moved to adjourn at 7:53 p.m.

Mayor White declared the motion carried by the following vote: YEA Commissioner Cline, YEA Commissioner Ervin, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor White.

/s/ Susan J. O'Brien
City Clerk